

CHAPTER 1025

SALE OF EGGS BY GROCERY STORES PARTICIPATING IN A FEDERAL FOOD PROGRAM

H.F. 2408

AN ACT regulating the sale of eggs by grocery stores participating in a federal program.

Be It Enacted by the General Assembly of the State of Iowa:

Section 1. NEW SECTION. **135.16A Vendors participating in federal programs — egg sales.**

1. As used in [this section](#), unless the context otherwise requires:

a. “Conventional eggs” means eggs others than specialty eggs.

b. “Eggs” means shell eggs that are graded as “AA”, “A”, or “B” pursuant to [7 C.F.R. pt. 56, subpt. A](#), and that are sold at retail in commercial markets.

c. “Federal food program” means the special supplemental food program for women, infants, and children as provided in 42 U.S.C. §1786, et seq.

d. “Grocery store” means a food establishment as defined in [section 137F.1](#) licensed by the department of inspections and appeals pursuant to [section 137F.4](#), to sell food or food products to customers intended for preparation or consumption off premises.

e. “Specialty eggs” means eggs produced by domesticated chickens, and sold at retail in commercial markets if the chickens producing such eggs are advertised as being housed in any of the following environments:

(1) Cage-free.

(2) Free-range.

(3) Enriched colony cage.

2. a. The department of inspections and appeals shall assist the Iowa department of public health in adopting rules necessary to implement and administer [this section](#).

b. If necessary to implement, administer, and enforce [this section](#), the Iowa department of public health, in cooperation with the department of agriculture and land stewardship, shall submit a request to the United States department of agriculture for a waiver or other exception from regulations as deemed feasible by the Iowa department of public health. The Iowa department of public health shall regularly report the status of such request to the legislative services agency.

3. A grocery store that is a vendor participating in a federal food program and offering specialty eggs for retail sale shall maintain an inventory of conventional eggs for retail sale sufficient to meet federal and state requirements for participation in the federal food program.

4. [This section](#) does not require a grocery store to do any of the following:

a. Stock or sell specialty eggs.

b. Stock or sell eggs, if the grocery store elects not to stock or sell conventional eggs for retail sale as part of its normal business.

c. Comply with the provisions of [this section](#), if the grocery store’s inventory of eggs for retail sale was limited to specialty eggs prior to January 1, 2018.

5. A violation of [subsection 3](#) by a grocery store shall not be construed to disqualify a grocery store from participating in a federal food program unless otherwise authorized by the United States department of agriculture.

Approved March 21, 2018